

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LAMARCUS VALENTINO BERRY,

Plaintiff,

v.

MICHAEL DAVID ADAMS,

Defendant.

Case No. 1:24-cv-233

HON. JANE M. BECKERING

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OPINION AND ORDER

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. On March 13, 2024, the Magistrate Judge issued a Report and Recommendation, recommending that Plaintiff's federal claims be dismissed upon initial screening pursuant to 28 U.S.C. § 1915A and 1915(e)(2) for failure to state a claim and that Plaintiff's state-law claims be dismissed without prejudice pursuant to 28 U.S.C. § 1367(c)(3). The matter is presently before the Court on Plaintiff's "Brief," which was docketed as his objections to the Report and Recommendation (ECF No. 7). The Court denies the objections and issues this Opinion and Order.

In accordance with 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b)(3), this Court is required to perform de novo consideration of those portions of the Report and Recommendation to which objections are made. Plaintiff's submission wholly fails to address—let alone demonstrate error in—the Magistrate Judge's analysis of his claims under 42 U.S.C. § 1983, which are the only claims over which this Court has original subject-matter jurisdiction.

Accordingly, Plaintiff's objection is properly denied, and the Court will approve and adopt the Report and Recommendation as its own Opinion.

Because this Opinion resolves all pending claims, a Judgment will be entered. *See* FED. R. CIV. P. 58. For the above reasons and because this action was filed *in forma pauperis*, this Court also certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this Judgment would not be taken in good faith. *See McGore v. Wrigglesworth*, 114 F.3d 601, 610–11 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211–12 (2007).

Therefore:

IT IS HEREBY ORDERED that the Objections (ECF No. 7) are DENIED and the Report and Recommendation of the Magistrate Judge (ECF No. 6) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that the federal claims in Plaintiff's Complaint (ECF No. 1) are DISMISSED pursuant to 28 U.S.C. §§ 1915A and 1915(e)(2) for the reasons stated in the Report and Recommendation.

IT IS FURTHER ORDERED that the state-law claims in Plaintiff's Complaint (ECF No. 1) are DISMISSED WITHOUT PREJUDICE pursuant to 28 U.S.C. § 1367 for the reasons stated in the Report and Recommendation.

IT IS FURTHER ORDERED that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this decision would not be taken in good faith.

Dated: April 9, 2024

/s/ Jane M. Beckering
JANE M. BECKERING
United States District Judge